

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1210 OF 2006.
IN
SUIT NO. 4629 OF 1994.

Satish Dattatraya Upponi ...Plaintiff

V/s.

Prashant Dattatrya Upponi & Anr. ...Defendants.

None present for plaintiff.
Mr.R.S.Raymond a/w.Mr.V.P.V.P.Shastri i/b. Raymond & Co. for
defendants.

CORAM : S.J. VAZIFDAR J.

DATE : 16TH JULY, 2007.

P.C. :-

1. The plaintiff and defendant no. 1 are brothers.
Defendant no.2 is the wife of defendant no.1.

2. In Notice of Motion No. 483 of 2005 taken out by the
plaintiff, the learned Judge passed an order dated 17th
March, 2006 wherein he recorded and accepted the statement
made on behalf of the defendants that they would get the suit
flat vacated and would approach the Court seeking permission
to induct somebody to protect that flat.

3. By this notice of Motion the defendants seek
permission to permit the brother-in-law of defendant no. 1

: 2 :

to occupy the said flat. This would be contrary to the statement made on behalf of the defendant and recorded in the said order dated 17th March, 2006 as, admittedly at that time it was the in-laws of defendant no.1 who were in occupation of the flat.

4. If the defendants are anxious that the flat is requires to be protected, the correct manner of doing so would be to appoint a Court Receiver and to permit the Court Receiver to appoint an agent. In this manner the interests of all the parties would be completely safeguarded. The defendants however, stated that they do not desired such an order. In the result, the Notice of Motion is dismissed.